IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7262 of 2006()

AGAINST THE JUDGEMENT/ORDER IN BA.6671/2006

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PETITIONERS/ACCUSED
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1. YESUDAS, S/O. NANU,
   CHARUVILA VEEDU, THAZHE MEENKULAM,
   CHANNAPETTA P.O.

2. ATHMADAS, S/O. NANU,
   -DO- -DO-

3. SATHEESAN, S/O. KUNJUKUNJU,
   SARANYABHAVAN, THAZHEMEENKULAM,
   CHANNAPETTA VILLAGE.

4. RATHEESH , S/O. BABU,
   KUNNINPARANGIMAMVILAVEEDU, THAZHEMEENKULAM,
   CHANNAPETTA VILLAGE.

5. LIJU, S/O. YESUDAS,
   PLAVILA VEEDU, THAZHEMEENKULAM,
   CHANNAPETTA VILLAGE.

6. REJI, S/O. YESUDAS,
   -DO- -DO-

7. KUTTAPPAN, S/O. GOPALAN,
   KUNNINPARANGIMAMVILA VEEDU, THAZHEMEENKULAM.

8. MANI, S/O. PODIYAN,
   CHARUVILA VEEDU, PEROOR, P.O., KILIMANOOR.

9. SUGATHAN, S/O. PODIYAN,
   -DO- -DO-

10. SUGU, S/O. VISWAMBARAN,
    PEROOR P.O., KILIMANOOR.

BY ADV. SRI.A.RAJASIMHAN

RESPONDENTS: COMPLAINANT

SUB INSPECTOR OF POLICE,
EROOR POLICE STATION, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 7262 of 2006

DATED: December 7, 2006

O R D E R

Petitioners who are some of the accused persons in Crime No. 288 of 2006 of Eroor Police Station for offences punishable under Sections 143, 147, 148, 447, 427, 308 read with Sec. 149 I.P.C. and Sec. 3 of the Exposive Substances Act, seek anticipatory bail.

2. The occurrence took place on 20-10-2006 at 9 p.m. during which the accused persons are alleged to have criminally trespassed into the house of the de facto complainant and thrown crackers in which one Rajesh was allegedly injured. The assailants are also alleged to have been armed with iron rods and an axe and are alleged to have caused damage to one Maruthi Car.

3. The learned Public Prosecutor opposed the application.

4. Anticipatory bail cannot be granted in a case of this nature. In fact, accused Nos. 1,4,7 and 11 were granted regular bail only after 21 days of detention. There is no reason why the petitioners should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioners surrender before the magistrate concerned and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably, on the same day on which it is filed.

With this observation, this application is disposed of.

V.RAMKUMAR,
JUDGE.

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